

**EIGHTY-FIFTH LEGISLATIVE DAY
MONDAY, APRIL 4, 2005**

House of Representatives

The House convened at 10 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Trail. Total -- 1.
Total -- 70.

Prayer was offered by Representative Bastian.

The Pledge of Allegiance was led by Kristen Richter, Page.

Approval of Journal

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-second Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that George C. Saylor, State Representative, District 4, House Seat B, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Janet Callen, of Coeur d'Alene, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Janet Callen, Acting State Representative, District 4, House Seat B, Kootenai County, State of Idaho, for a term commencing on Monday, April 4, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 4th day of April in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE

Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Ms. Callen.

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Julie Ellsworth, State Representative, District 18, House Seat B, Ada County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Maurice O. Ellsworth, of Boise, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Maurice O. Ellsworth, Acting State Representative, District 18, House Seat B, Ada County, State of Idaho, for a term commencing on Monday, April 4, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 4th day of April in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Ellsworth.

OFFICE OF THE GOVERNOR
Boise

April 1, 2005

The Honorable Bruce Newcomb
Speaker of the House

Dear Mr. Speaker:

I have the honor to advise you that I have signed today and am transmitting to the Secretary of State the following House Bills, to wit:

H 97, as amended, **H 138**, **H 139**, as amended, **H 159**, **H 160**, as amended, **H 197**, as amended, **H 203**, as amended, **H 207**, **H 252**, **H 261**, **H 266**, **H 271**, **H 327**, **H 328**, **H 329**, **H 330**, **H 338**, **H 339**, **H 340**, **H 341**, and **H 342**

Very truly yours,
/s/ DIRK A. KEMPTHORNE
Governor

April 1, 2005

Mr. Speaker:

I return herewith **H 386**, as amended in the Senate, as amended in the Senate, which has passed the Senate.

WOOD, Secretary

H 386, as amended in the Senate, as amended in the Senate, was ordered held at the Desk.

Mr. Clark asked unanimous consent that the House concur in the Senate amendments to **H 386**, as amended in the Senate, as amended in the Senate. Mrs. Barrett objected.

Mr. Clark moved that the House concur in the Senate amendments to **H 386**, as amended in the Senate, as amended in the Senate. Seconded by Ms. Jaquet.

The question being "Shall the motion pass?"

Roll call resulted as follows:

AYES -- Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Chadderdon, Clark, Deal, Denney, Edmunson, Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Saylor(Callen), Shepherd(2), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Mr. Speaker. Total -- 41.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bradford, Collins, Crow, Ellsworth(Ellsworth), Eskridge, Harwood, Loertscher, Mathews, McGeachin, Nielsen, Sali, Schaefer, Shepherd(8), Wills. Total -- 18.

Absent and excused -- Cannon, Field(18), Hart, McKague, Mitchell, Moyle, Nonini, Roberts, Skippen, Trail, Wood. Total -- 11.

Total -- 70.

Whereupon the Speaker declared the motion passed and the House concurred in the Senate amendments to **H 386**, as amended in the Senate, as amended in the Senate.

H 386, as amended in the Senate, as amended in the Senate, was referred to the Judiciary, Rules, and Administration Committee for engrossing.

Report of Standing Committees

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND

ADMINISTRATION, report that we have transmitted enrolled **H 353**, **H 240**, **H 300**, **H 306**, as amended, as amended, **H 323**, as amended, **H 318**, **H 354**, **H 301**, **H 326**, **H 334**, **H 226**, **H 227**, **H 331**, **H 364**, **H 351**, **H 333**, **H 269**, **H 313**, **H 130**, as amended, as amended in the Senate, **H 92**, as amended in the Senate, **H 36**, as amended in the Senate, **H 37**, as amended in the Senate, **H 281**, as amended in the Senate, **H 325**, **H 377**, **H 378**, **H 379**, **H 380**, **H 381**, **H 382**, **H 383**, **H 384**, **H 385**, **H 350**, **H 365**, **H 376**, **H 230**, **H 336**, as amended, **H 388**, **H 389**, **H 390**, and **H 393** to the Governor at 12:15 p.m., as of this date, April 1, 2005.

FIELD(18), Chairman

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **HCR 20**, **HCR 21**, **HJM 8**, **HCR 26**, **HCR 16**, **HCR 18**, **HCR 22**, **HCR 23**, and **HCR 25** to the Secretary of State at 11:57 a.m., as of this date, April 1, 2005.

FIELD(18), Chairman

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

S 1158, as amended, as amended in the House, by State Affairs Committee, was read the second time by title and filed for third reading.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have engrossed **H 386**, as amended in the Senate, as amended in the Senate.

FIELD(18), Chairman

H 386, as amended in the Senate, as amended in the Senate, was filed for first reading of engrossed bills.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 400 BY REVENUE AND TAXATION COMMITTEE AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3026A, IDAHO CODE, TO PROVIDE THAT FOR STATE INCOME TAX PURPOSES WHEN INTANGIBLE PROPERTY OWNED BY A LIMITED

LIABILITY COMPANY, PARTNERSHIP OR OTHER ENTITY TAXED AS A PARTNERSHIP FOR FEDERAL INCOME TAX PURPOSES GENERATES DIVIDENDS, INTEREST, CAPITAL GAINS OR SIMILAR PROFITS OR RETURNS, SUCH INCOME SHALL NOT CONSTITUTE INCOME DERIVED FROM OR RELATED TO SOURCES WITHIN IDAHO, PROVIDED THAT THE BUSINESS ACTIVITY OF SUCH ENTITY IS LIMITED TO THE INVESTMENT IN SECURITIES AND ACTIVITIES INCIDENT THERETO; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

H 400 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

First Reading of Engrossed Bills

H 386, as amended in the Senate, as amended in the Senate, by Ways and Means Committee, was introduced, read the first time by title and filed for second reading.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

S 1235 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1235** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Crow, Deal, Denney, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Wills, Mr. Speaker. Total -- 58.

NAYS -- None.

Absent and excused -- Bayer, Bedke, Clark, Edmunson, Jones, McKague, Moyle, Nonini, Roberts, Snodgrass, Trail, Wood. Total -- 12.

Total -- 70.

Whereupon the Speaker declared **S 1235** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1236 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **S 1236** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Stevenson, Wills, Mr. Speaker. Total -- 64.

NAYS -- None.

Absent and excused -- Bayer, Edmunson, Roberts, Snodgrass, Trail, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared **S 1236** passed the House. Title was approved and the bill was ordered returned to the Senate.

Mr. Denney asked unanimous consent that **S 1191**, as amended, be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

S 1191, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **S 1191**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Rusche, Rydalch, Sayler(Callen), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson. Total -- 49.

NAYS -- Andrus, Barrett, Bolz, Denney, Ellsworth(Ellsworth), Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Ring, Sali, Schaefer, Shepherd(2), Shepherd(8), Wills, Mr. Speaker. Total -- 18.

Absent and excused -- Roberts, Trail, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1191**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1237 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bedke to open debate.

Mr. Bedke asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **S 1237**. There being no objection, it was so ordered.

The question being, "Shall **S 1237** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Saylor(Callen), Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 60.

NAYS -- Barrett, Loertscher, Mathews, McGeachin, McKague, Sali, Schaefer. Total -- 7.

Absent and excused -- Roberts, Trail, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1237** passed the House. Title was approved and the bill was ordered returned to the Senate.

S 1238 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Henbest to open debate.

The question being, "Shall **S 1238** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Mathews, McGeachin, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Saylor(Callen), Schaefer, Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 61.

NAYS -- Barrett, Hart, Loertscher, McKague, Sali, Shepherd(8). Total -- 6.

Absent and excused -- Roberts, Trail, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **S 1238** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 145, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Denney to open debate.

The question being, "Shall **H 145**, as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Rydalch, Sali, Saylor(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 57.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Mitchell, Pasley-Stuart, Ringo, Rusche, Smith(30), Smith(24). Total -- 10.

Absent and excused -- Roberts, Trail, Wood. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 145**, as amended, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 110, as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 110**, as amended, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Saylor(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 65.

NAYS -- None.

Absent and excused -- Clark, Crow, Roberts, Trail, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 110**, as amended, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 291, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 291**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Bilbao, Black, Boe, Bolz, Bradford, Chadderdon, Collins, Deal, Denney, Edmunson, Eskridge, Field(18), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, LeFavour, Martinez, McKague, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Sayler(Callen), Schaefer, Shepherd(2), Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 43.

NAYS -- Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Block, Cannon, Ellsworth(Ellsworth), Field(23), Harwood, Lake, Loertscher, Mathews, McGeachin, Moyle, Nielsen, Rydalch, Sali, Shepherd(8), Shirley. Total -- 22.

Absent and excused -- Clark, Crow, Roberts, Trail, Wood. Total -- 5.

Total -- 70.

Whereupon the Speaker declared **H 291**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

H 315, as amended in the Senate, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Rydalch to open debate.

Mrs. Rydalch asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 315**, as amended in the Senate. There being no objection, it was so ordered.

The question being, "Shall **H 315**, as amended in the Senate, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jaquet, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini,

Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Smylie, Stevenson, Wills, Mr. Speaker. Total -- 48.

NAYS -- Bastian, Bilbao, Boe, Henbest, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler(Callen), Shirley, Skippen, Smith(30), Snodgrass, Trail. Total -- 19.

Absent and excused -- Crow, Smith(24), Wood. Total -- 3.

Paired Votes:

AYE -- Hart. NAY -- Trail.

AYE -- Roberts. NAY -- Mitchell.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **H 315**, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration Committee for enrolling.

Mr. Denney asked unanimous consent that **H 100**, as amended in the Senate, as amended in the Senate, be placed at the bottom of the Third Reading Calendar. There being no objection, it was so ordered.

SJM 111 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bolz to open debate.

The question being, "Shall **SJM 111** be adopted?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Jones, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Miller, Nielsen, Nonini, Raybould, Ring, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 55.

NAYS -- Boe, Henbest, Jaquet, LeFavour, Martinez, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler(Callen), Smith(30). Total -- 12.

Absent and excused -- Moyle, Roberts, Trail. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **SJM 111** adopted and ordered the memorial returned to the Senate.

Mr. Bayer asked unanimous consent that he be allowed to change his vote on **S 1191**, as amended, from "AYE" to "NAY". There being no objection, it was so ordered.

Whereupon the Speaker declared the revised roll call for **S 1191**, as amended, resulted as follows:

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Rusche, Rydalch, Sayler(Callen), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson. Total -- 48.

NAYS -- Andrus, Barrett, Bayer, Bolz, Denney, Ellsworth(Ellsworth), Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Ring, Sali, Schaefer, Shepherd(2), Shepherd(8), Wills, Mr. Speaker. Total -- 19.

Absent and excused -- Roberts, Trail, Wood. Total -- 3.

Total -- 70.

S 1173, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bradford to open debate.

The question being, "Shall **S 1173**, as amended, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 64.

NAYS -- Bilbao, Ringo. Total -- 2.

Absent and excused -- Bolz, Moyle, Roberts, Trail. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **S 1173**, as amended, passed the House. Title was approved and the bill was ordered returned to the Senate.

SCR 119 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Mitchell to open debate.

The question being, "Shall **SCR 119** be adopted?"

Whereupon the Speaker declared **SCR 119** adopted by voice vote and ordered the resolution returned to the Senate.

S 1147, as amended, was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Pence to open debate.

The question being, "Shall **S 1147**, as amended, pass?"

Roll call resulted as follows:

AYES -- Bastian, Bilbao, Black, Block, Boe, Deal, Edmunson, Field(18), Field(23), Henbest, Jaquet, Jones, Kemp, LeFavour, Martinez, Miller, Pasley-Stuart, Pence, Ringo, Rusche, Sayler(Callen), Schaefer, Shepherd(2), Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Wills. Total -- 29.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Denney, Ellsworth(Ellsworth), Eskridge, Garrett, Hart, Harwood, Henderson, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Roberts, Rydalch, Sali, Shepherd(8), Stevenson, Wood, Mr. Speaker. Total -- 36.

Absent and excused -- Cannon, Mitchell, Ring, Skippen, Trail. Total -- 5.

Paired Votes:

AYE -- Sayler(Callen). NAY -- Roberts.

AYE -- Martinez. NAY -- Moyle.

(Pairs enumerated in roll call above.)

Total -- 70.

Whereupon the Speaker declared **S 1147**, as amended, failed to pass the House and ordered the bill returned to the Senate.

Mrs. Wood asked unanimous consent that she be allowed to vote "NAY" on **S 1191**, as amended. There being no objection, it was so ordered.

Whereupon the Speaker declared the revised roll call for **S 1191**, as amended, resulted as follows:

Roll call resulted as follows:

AYES -- Anderson, Barraclough, Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Edmunson, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Nonini, Pasley-Stuart, Pence, Raybould, Ringo, Rusche, Rydalch, Sayler(Callen), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson. Total -- 48.

NAYS -- Andrus, Barrett, Bayer, Bolz, Denney, Ellsworth(Ellsworth), Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Ring, Sali, Schaefer, Shepherd(2), Shepherd(8), Wills, Wood, Mr. Speaker. Total -- 20.

Absent and excused -- Roberts, Trail. Total -- 2.

Total -- 70.

Ms. LeFavour asked unanimous consent that she be allowed to change her vote on **S 1173**, as amended, from "AYE" to "NAY". There being no objection, it was so ordered.

Whereupon the Speaker declared the revised roll call for **S 1173**, as amended, resulted as follows:

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Black, Block, Boe, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- Bilbao, LeFavour, Ringo. Total -- 3.

Absent and excused -- Bolz, Moyle, Roberts, Trail. Total -- 4.

Total -- 70.

Ms. Jaquet asked unanimous consent that she be allowed to change her vote on **H 315**, as amended in the Senate, from "AYE" to "NAY". There being no objection, it was so ordered.

Whereupon the Speaker declared the revised roll call for **H 315**, as amended in the Senate, resulted as follows:

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bedke, Bell, Black, Block, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henderson, Kemp, Lake, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Raybould, Ring, Roberts, Rydalch, Sali, Schaefer, Shepherd(2), Shepherd(8), Smylie, Stevenson, Wills, Mr. Speaker. Total -- 47.

NAYS -- Bastian, Bilbao, Boe, Henbest, Jaquet, Jones, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Ringo, Rusche, Sayler(Callen), Shirley, Skippen, Smith(30), Snodgrass, Trail. Total -- 20.

Absent and excused -- Crow, Smith(24), Wood. Total -- 3.

Paired Votes:

AYE -- Hart. NAY -- Trail.

AYE -- Roberts. NAY -- Mitchell.

(Pairs enumerated in roll call above.)

Total -- 70.

SJM 112 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Rusche to open debate.

The question being, "Shall **SJM 112** be adopted?"

Whereupon the Speaker declared **SJM 112** adopted by voice vote and ordered the memorial returned to the Senate.

Mr. Denney asked unanimous consent that **H 100**, as amended in the Senate, as amended in the Senate, retain its place on the Third Reading Calendar. There being no objection, it was so ordered.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **S 1158**, as amended, as amended in the House, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **S 1158**, as amended, as amended in the House, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 57.

NAYS -- None.

Absent and excused -- Bayer, Black, Cannon, Harwood, McKague, Mitchell, Moyle, Nonini, Roberts, Skippen, Smith(24), Trail, Wood. Total -- 13.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **S 1158**, as amended, as amended in the House, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Block and Ms. Henbest to open debate.

The question being, "Shall **S 1158**, as amended, as amended in the House, pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Block, Boe, Bolz, Bradford, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Nielsen, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Smith(30), Smith(24), Smylie, Snodgrass,

Stevenson, Wills, Mr. Speaker. Total -- 60.

NAYS -- None.

Absent and excused -- Black, Cannon, McKague, Mitchell, Moyle, Nonini, Roberts, Skippen, Trail, Wood. Total -- 10.

Total -- 70.

Whereupon the Speaker declared **S 1158**, as amended, as amended in the House, passed the House. Title was approved and the bill was ordered returned to the Senate.

There being no objection, the House returned to the Fifth Order of Business.

Report of Standing Committees

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 400**.

FIELD(18), Chairman

H 400 was filed for second reading.

April 4, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 401

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO THE PURE SEED LAW; AMENDING CHAPTER 4, TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 22-413, IDAHO CODE, TO PROVIDE FOR STATEWIDE JURISDICTION AND PREEMPTION AND TO CLARIFY THAT SPECIFIED RESTRICTIONS SHALL NOT PREEMPT CERTAIN COUNTY OR CITY LOCAL ZONING ORDINANCES.

H 401 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House returned to the Seventh Order of Business.

Motions, Memorials, and Resolutions

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 386**, as amended in the Senate, as amended in the Senate, be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 386**, as amended in the Senate, as amended in the Senate, be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 63.

NAYS -- Ringo. Total -- 1.

Absent and excused -- Field(23), Miller, Moyle, Roberts, Trail, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 386**, as amended in the Senate, as amended in the Senate, was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clark to open debate.

The question being, "Shall **H 386** pass?"

Roll call resulted as follows:

AYES -- Bastian, Bedke, Bell, Bilbao, Black, Block, Boe, Cannon, Chadderdon, Clark, Deal, Edmunson, Field(18), Field(23), Garrett, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Martinez, Miller, Mitchell, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Rusche, Sayler(Callen), Shepherd(2), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Mr. Speaker. Total -- 41.

NAYS -- Anderson, Andrus, Barraclough, Barrett, Bayer, Bolz, Bradford, Collins, Crow, Denney, Ellsworth(Ellsworth), Eskridge, Hart, Harwood, Loertscher, Mathews, McGeachin, McKague, Moyle, Nielsen, Nonini, Roberts, Rydalch, Sali,

Schaefer, Shepherd(8), Wills. Total -- 27.

Absent and excused -- Trail, Wood. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 386**, as amended in the Senate, as amended in the Senate, passed the House. Title was approved and the bill was referred to Judiciary, Rules, and Administration for enrolling.

Mr. Denney moved that all rules of the House interfering with the immediate consideration of **H 400** be suspended; that the portions of Section 15, Article 3 of the Constitution of the State of Idaho, requiring all bills to be read on three several days be dispensed with, this being a case of urgency; and that **H 400** be read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration. Seconded by Ms. Jaquet.

The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Jones, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Mr. Speaker. Total -- 63.

NAYS -- Ringo. Total -- 1.

Absent and excused -- Field(23), Miller, Moyle, Roberts, Trail, Wood. Total -- 6.

Total -- 70.

Whereupon the Speaker declared that more than two-thirds of the membership having voted in the affirmative, the motion carried, the rules were suspended, and **H 400** was read the first time by title, second time by title, and third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Collins to open debate.

Mr. Collins asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 400**. There being no objection, it was so ordered.

The question being, "Shall **H 400** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bell, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth(Ellsworth), Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp,

Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler(Callen), Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- LeFavour. Total -- 1.

Absent and excused -- Jones, Trail. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 400** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 100**, as amended in the Senate, as amended in the Senate, retain its place on the Third Reading Calendar for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10 a.m., Tuesday, April 5, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 4:45 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk